

BILL ANALYSIS

H.B. 1703
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State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently "human embryo banks" engage in the business of creating and selling "designer babies", while disregarding thousands of frozen embryos already in storage. These newly created human embryos are bought and sold as a commodity without any moral or legal obligation. House Bill 1703 will clarify the rights of genetic and adoptive parents; apply established procedures in adoption law to embryo adoption; clarify the legal status of children placed for adoption as embryos; and promote the best interests of the embryo.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1703 amends the Family Code to establish the procedure to adopt a human embryo. The bill defines "gamete" as a human sperm or unfertilized human ovum. The bill defines "human embryo" as a genetically complete living organism of the species *Homo sapien*, from the single-cell zygote stage to eight weeks' development. The bill defines "human embryo trafficking" as creating a human embryo using in vitro fertilization for the purpose of selling, buying, or transferring for valuable consideration the human embryo to a person who is not a genetic parent of the embryo or the spouse of the genetic parent. The bill defines "human embryo trafficking" to not include the adoption of a human embryo or the reimbursement of direct expenses related to the adoption of a human embryo.

House Bill 1703 requires a court order to transfer a human embryo to another person for implantation. The bill provides an exemption from the court order requirement for the genetic parent or spouse of a genetic parent.

H.B. 1703 authorizes the court to grant the petition of a person residing in this state to adopt an embryo. The bill requires the petitioner, and the spouse of the petitioner must join in the petition, to file a suit in a court in the county of the petitioner's residence entitled "In the Interest of the Embryo of _____," to adopt an embryo. The bill prohibits a court from granting an adoption of an embryo unless both the man and the woman who contracted for the creation of the embryo relinquished their parental rights or consented in writing to the adoption by the petitioner and waived any interest in the human embryo. The bill prohibits compensation to be paid or received to relinquish or waive a person's parental rights with regard to an embryo. The bill provides an exemption for the reimbursement for fees incurred to preserve or transport embryos legally adopted.

H.B. 1703 provides that a person is subject to a Class A misdemeanor penalty who knowingly or intentionally participates in human embryo trafficking or buys, sells, receives, or transfers human embryos for valuable consideration or human gametes for the purposes of human embryo trafficking. The bill provides an exemption for the reimbursement of fees incurred to preserve or transport embryos legally adopted.

EFFECTIVE DATE

September 1, 2007.

H.B. 1703 80(R)